IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2207 OF 2003

The New India Assurance Co. Ltd. .. Petitioner

V/s

PFresenius Kabi India Pvt. Ltd.
and Anr. .. Respondents

Mrs. Ratna Bhargavan for the Petitioner.

Ms. Soumya Srikrishna i/b Beri & Co. for Respondent No.1.

CORAM : H.L. GOKHALE & ABHAY S. OKA, JJ.

DATE : 27TH JANUARY 2006

P.C. :

1. The order under challenge in this petition is dated 25th April 2003 passed by a Single Judge on Arbitration Application No.33 of 2003 appointing an Arbitrator under section 11 of the Arbitration and Conciliation Act. Now, in view of the judgment of the Apex Court in **S.B.P. & Co. v. Patel Engineering reported in 128 Company Cases 465**, a remedy is available to such aggrieved persons to file an appeal to the Apex Court. In view thereof, Mrs.Bhargavan seeks to withdraw the petition with liberty to file such an appeal. Petition allowed to be withdrawn with liberty.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)